



WORLD CHRONICLE

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PROGRAMME: "WORLD CHRONICLE"

GUEST: Ambassador Andreas Mavrommatis, Senior Member
of the United Nations Human Rights Committee

JOURNALISTS: Ian Steele, Press Foundation of Asia
Linda Fasulo, National Public Radio
Vahe Ogali, Ad-Dustur, Jordan

MODERATOR: Michael Littlejohns

SYNOPSIS

HUMAN RIGHTS

Ambassador Andreas Mavrommatis, a senior member of the United Nations Human Rights Committee, discusses the Committee's various activities in monitoring the measures taken by member states in ensuring the adherence to the International Covenant on Civil and Political Rights.

The Committee considers reports of human rights abuses from governments, non-governmental organizations as well as various international human rights groups.

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Executive Producer: Kamil Taha
Director: Livingston Hinckley
Production Assistant: Judith Bennett Henry

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VOICE: From United Nations Headquarters in New York, this is **WORLD CHRONICLE**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **WORLD CHRONICLE**.

LITTLEJOHNS: I'm Michael Littlejohns and this is **WORLD CHRONICLE**.

A basic human requirement for preserving human dignity is respect for human rights and the fundamental freedoms of individuals without distinction of race, religion, language or sex. Since its adoption of the Universal Declaration of Human Rights in 1948, and subsequent documents, the United Nations has become the standards-setter worldwide in this often controversial area.

Our guest today, Ambassador Andreas Mavrommatis, was for ten years Chairman of the United Nations Human Rights Committee and continues to serve as a senior member. Ambassador Mavrommatis is also the Permanent Representative of his country, Cyprus, to the United Nations. He will be interviewed here at United Nations Headquarters in New York by: Ian Steele of the Press Foundation of Asia; Linda Fasulo of National Public Radio and; Vahe Ogali of Ad-Dustour of Jordan.

Before we begin our discussion with Ambassador Mavrommatis, let's look at an unusual new human rights initiative being taken by the UN in Central America. Our correspondent Steve Whitehouse reports:

WHITEHOUSE:

If this children's band plays military style music, it's hardly surprising. Their home is El Salvador. For the past 12 years, the country's been torn by civil war. On one side, a coalition of guerrilla groups known as the FMLN. On the other, the army

of El Salvador. Tens of thousands have been killed, human rights violations have been widespread. A million civilians fled their homes. In July 1990, the two sides reached an agreement on human rights.

And the UN Security Council created ONUSAL, the UN Observer Mission in El Salvador.

RIZA:

"By establishing this mission, perhaps the level of conflict would be reduced and an atmosphere would be created that in fact, would give an impetus to the negotiations that were continuing."

WHITEHOUSE:

Susan Soux from Canada and Rhinehard Jung-Hecke from Germany are part of the 120-strong UN human rights staff. Their work includes investigating reports of torture. On this day, they visit El Salvador's largest prison. This young inmate claims he had been interrogated and tortured before coming to the jail.

ONUSAL has followed up hundreds of claims of ill-treatment and brutality in both political and non-political cases. The young man's story is typical; he says he was beaten with a rifle. The team's next assignment is to check a report of armed activity in a nearby community.

The UN team arrives at the village 50 kilometres from the capital. It's able to verify that on this occasion, it is the army that's present.

Life remains precarious. UN-sponsored talks continue with the aim of bringing about a ceasefire as a step towards a long-term settlement. The UN maintains close contact with civilians, military and civil authorities and the FMLN. It's one reason for a recent decline in violence.

The best hope for a return to law and justice is an end to the fighting and abuses of human rights. The UN presence is a hopeful sign that the sound of war could be becoming a thing of the past in El Salvador.

LITTLEJOHNS: Ambassador Mavrommatis, we hear of some pretty atrocious reports of serious violations of human rights in various spots of the world and Amnesty International, in its annual reports, make some strong indictments against some countries that one would not expect to be violators - if it's possible not to expect countries to be violators. Would you say that, by and large, the UN has managed to do something about the problem to reduce it from the serious levels it was a few years ago to perhaps somewhat of an improved situation or is the situation getting out of hand?

MAVROMMATIS: I think that there has been quite a lot of improvement. The fact that we know a lot more about it is that people are more aware of their rights, ready to claim them and ready to bring them out into the open and as a result, we are left with the opinion that the question of violations getting worse and worse -- it's definitely not getting out of hand and there is a definite improvement. If I take the field of political rights which is of particular interest to me, I would say that there is an unprecedented improvement and by leaps and bounds, we're moving

towards democracy. It wasn't merely in eastern Europe but also, one after another, the autocratic régimes or one-party states are moving towards democratization. Certainly, by now we must have examined the report of close to 100 countries, our experience is that there is no country with a perfect record. The fact is difficulties exist in respect of most countries and even countries where there is a long tradition of decades of respect and application of human rights especially when under the stress and strain of any given problem, whether it's immigration, whether it's a problem of secession or a problem of internal security, there are again, even in these countries, we notice that there are violations and that's the time when we should be really careful.

LITTLEJOHNS: Ambassador, when you mentioned the reports from more than 100 countries, how could you believe these reports? If a government, for example, says that everything is fine in our country, there are no violations of human rights, does the UN have any machinery to investigate the authenticity of such claims?

MAVROMMATIS: Yes, it does have the machinery, however unsatisfactory it might be, but it does not concern our Committee. Our Committee's task is to consider the report and we consider the report, not in a vacuum, not in isolation. We consider that report having in mind the reports of NGOs (non-governmental organizations) which we find to be extremely helpful. There were also cases of countries who had in the past, thematic special rapporteurs, and we have that in mind as well as whatever other documentation we have. And obviously, every country gives us a list of legislation, basic laws, constitution, organic laws which show a compliance and believe me, the vast majority of constitutions and laws, many of them conform with the minimum standards. It's when you come to the exceptions and you begin finding out the difficulties, then of course, there are ways in the mechanism.

STEELE: Mr. Mavrommatis, we have a sense that the climate of human rights is improving at least in a public superficial sense and we have a very fluid international situation with the re-unification of some countries, the fragmentation of others. What impact is that likely to have on your work? Do you have a contingency for cases such as those that evolved in the last 12 months in Yemen and in Germany with re-unification, not just the re-unification of the countries on the surface, but the attitudes of what were opposing governments at that time?

MAVROMMATIS: We would not have what you call "contingency plans", but we could use the provisions of the Covenant particularly the one about reporting the obligations of countries and request a particular report. We have done it in the case of Yugoslavia -- when I say we, I'm referring to the Committee all the time -- the Committee did it in the case of Iraq and it was a very interesting report. Immediately after the cessation of hostilities, we asked for a specific report on certain human rights -- right to life, torture, imprisonment, freedom. And we asked for a specific report and we examined it. It took us over 5 days and we made certain suggestions, we gave to them our individual opinions about the situation. We've done likewise in respect to Yugoslavia where, as everybody knows, because of the internal situation in the country, there are quite a lot of violations. You know, mass violations come in the wake of either internal strife or external aberration and occupation but we were also contemplating in the case of Germany, to ask for a report not really because we have information about civil or political rights that are affected in more than one way or another because of that, but because the report of that part of Germany which used to be East Germany, we haven't had a report in respect of that part of Germany for quite some time. The time is due. Of course, naturally Germany would say, "well, we are one country" and also, that would have to wait until the turn of what was West Germany comes which is every five years.

STEELE: It's an interesting contradiction though, isn't it, that what was the Democratic Republic of Germany was on your books as a signatory to the Covenants on human rights? You didn't receive any reports, there was a re-unification of the two Germanys. The then-Federal Republic of Germany was not a signatory and yet you did not have...?

MAVROMMATIS: No, both of them were. But, the report of the Federal Republic is not due until a couple of years from now whereas the report of what was socialist East Germany was due about a year ago.

STEELE: Do you find in this climate that you are able to be much more candid than you were, say, five or six years ago? Your Committee is able to speak out more openly about abuses of human rights and the reactions of governments?

MAVROMMATIS: Our Committee started working back in '77 when the détente of the early 70s that led to the signing of the Final Act was almost dead and we were back to the Cold War and ours was the first committee that had reports of both, to use Kirkpatrick's term, "authoritarian and totalitarian countries", and although I was never sure myself whether it's a consolation to persons tortured, that is, absolute torture by only an authoritarian country and not a totalitarian country and vice versa. We were the only forum where these people came and they were brilliant. They had to listen and account for their human records including the fact that they were a one-party state. So at that time, we thought that dialogue and persuasion rather than resorting to voting, which we could, could have achieved more results but in the circumstances that prevailed then, consensus was not an easy thing. But now definitely, and I hope that during perhaps the next session of the Committee which is going to take place in New York in April, we'll

be in a position to have not only the comments of individual members after we complete the consideration of the report, but we will have the comments of the Committee as a whole.

FASULO: Ambassador, the United States is not a member of the Human Rights Committee, I gather, because it is not a party to the two Covenants and also I have noticed that a number of western countries have not signed on, at least have not ratified. Do you see that changing? Do you see the West eventually signing on?

MAVROMMATIS: Definitely. I was extremely pleased when recently I was asked by the International Committee on Human Rights of the New York Bar Association to talk to them and they spoke to me about the intention of the United States government to proceed with ratification of the Covenant -- one covenant only, the one on civil and political rights not the covenant on economic, social and cultural rights which will be quite important for the whole world if we manage to get the United States on board.

LITTLEJOHNS: The programme is **WORLD CHRONICLE**. Our guest is Ambassador Andreas Mavrommatis, a senior member of the United Nations Human Rights Committee.

FASULO: Ambassador, do you see any correlation between the treatment of the citizens of countries that have signed on to the Conventions and those that have not? Obviously some of the most egregious human rights violators have ratified the Covenants and yet you have other countries like the United States and some western countries that can't be put in the same boat and yet they haven't.

MAVROMMATIS: I will begin by saying that countries with a good record of human rights especially if they are prone to criticising the record of another country should place their own record under

independent international scrutiny. This is a sine qua non for credibility and definitely, I am very glad to say, I repeat, that the United States has decided to proceed with the ratification of the Covenant which is not a difficult thing. I hope that we have the least possible reservations because I have had quite a number of them. I sincerely hope that there will be less reservations than originally intended. Now, as to whether there is a difference, I can tell you something else. Not a single country, not even the worst country insofar as violations of human rights are concerned, can afford international criticism for a long time and especially when this criticism is not the sort of random criticism by a government but when it comes from a body of experts, an independent body of experts and yes, there were during the last 15/16 years that the Committee has been working, we did notice in respect of quite a few of them, improvements. But let me add something else -- the mechanisms like that one are meant for countries that have become states parties. In becoming states party denotes that there is already a healthy respect for human rights and fundamental freedoms. You've done your homework, you've done your comparative work and you've come to the conclusion that your standards are meeting the minimum of the international norms and then, you're there. And it's for us to pinpoint some areas, especially areas that affect discrimination on the basis of sex, religion, etc. where there is room for improvement but I repeat, it presupposes a healthy respect of human rights and fundamental freedoms and the existence of the necessary mechanisms.

OGALI: Ambassador, my question is, you've talked about the human rights and about the countries, what about people like, for example, the Palestinian people who have been abused, imprisoned, who can't exercise their human rights in the occupied Arab territories? What is the Committee doing with regard to those people? Is there a body there watching?

MAVROMMATIS: In the case of Palestine, there are quite a number of committees other than the Human Rights Committee that deal with these rights. In our case, you see, we can only deal with states parties to the Covenant and Israel until very recently, was not a state party to the Covenant. Now I'm in the happy position to say that it is so I will be more than willing to talk about it when the first report comes before the Committee which is going to be less than a year from now. But on the other hand, both Covenants have as their first Article, the right of peoples to self-determination -- self-determination in all its aspects, both internal and external aspect and yes, questions are asked of countries about rights of self-determination, and various people whether they are in Africa, in the Middle East, all these questions are asked on that in respect of foreign policy of states parties that come before us. So we did not completely neglect Palestine which is dealt with by other mechanisms.

OGALI: Again on the Palestinians, after the Gulf War in Kuwait, a lot of Palestinians who were there in the Gulf, in Kuwait, some of them were expelled or sent back to various other countries in the area. I think Kuwait is.....?

MAVROMMATIS: I'm afraid Kuwait is not. There are very few Arab countries I can speak off-hand about -- Syria, Egypt. Syria is a state party to the Covenant.

LITTLEJOHNS: Saudi Arabia?

MAVROMMATIS: Saudi Arabia is not.

STEELE: Ambassador Mavrommatis, the time frame within which your Committee is obliged to work and hear complaints seems to be extraordinarily long. It takes usually a year before you even decide whether a complaint is admissible and then it can take

anything up to two years under quite usual circumstances to resolve that complaint to the extent that you come out with some form of statement. This wouldn't seem to be a place for a desperate person to seek help. I wonder whether you've done anything or considered any moves to give teeth to the Committee. It seems to me that it's a slap over the wrist in most cases when somebody comes with a fairly obvious and desperate plea.

MAVROMMATIS: Yes, what you are asking really are two questions. The first one is delays and the other is what I would call "follow-up". Yes, we plead guilty that there were delays, considerable delays and we are trying to rectify them by using such mechanisms like a Special Rapporteur or giving smaller groups the right to decide certain preliminary issues to speed up the proceedings. Now on the question of what happens after our pronouncement or our final views, as we call them, we are again aware of the inadequacies of the system as opposed, let's say, to the other regional systems like the European system, the system under the European Convention on Human Rights but within the present legal framework that we had, we've put the Special Rapporteur on follow-up and we are trying to devise -- because you have to devise -- ways and means within the existing framework to do it. But it's up to states parties.

STEELE: What are the options, as you see them? What would you like to see as a long-standing member of this Committee?

MAVROMMATIS: We started with El Salvador which, looking at the short film, was one of the first cases where the Security Council and I repeat, the Security Council, decided to monitor the implementation of an agreement on human rights. So this should, if necessary, go all the way to the Security Council in respect to violations. In the meantime, I think that states parties should consider in the light of the improved situation, the amendments

that would be necessary that will give the power to these monitoring mechanisms and organs - the power to ensure respect of the decisions that they have taken. Now if you permit me one more second to go back to delays. We have used in the past quite successfully the method of interim requests to governments, let's say, governments that still apply the death penalty and they are about to execute somebody who has in the meantime filed an individual petition to us, we've requested and have been successful in securing stays of executions in several countries in the western hemisphere.

FASULO: Ambassador, your Committee certainly has a large task. How well endowed is it? Is there a large administrative staff that handles these issues? How do you work?

MAVROMMATIS: I sincerely hope that the new Secretary-General will be apprised of what we are saying because I believe human rights is becoming world important, it's becoming extremely important also in conflict resolution and therefore, I believe that we should have both the talent and the numbers in the Centre for Human Rights that will do the necessary groundwork for us because we are not full-time. We meet only three times a year so I sincerely hope that they will be given, despite the economic difficulties, the dire economic straits that the organization has been in for I don't know how many years now, that they will really choose and in the case of human rights, provide us with the necessary step.

OGALI: Ambassador, does the Committee depend on the reports from other NGOs (non-governmental organizations) or other organizations to complete its investigations or does the Committee itself send people from the UN staff?

MAVROMMATIS: We depend on any information that the members of the Committee have and the majority of the reports come from a large

number of NGOs, both international NGOs and local NGOs because we do encourage, we should all encourage not necessarily the big names, but all countries to have their own NGOs.

LITTLEJOHNS: Amnesty International for example, sends you reports?

MAVROMMATIS: Amnesty International -- the International Commission of Jurists is the lead. We do have, in respect of every single case, we do have reports -- and we find them very useful indeed -- from every one of these international non-governmental organizations like Amnesty International etc.

LITTLEJOHNS: And you find that criticism in the United Nations and by these non-governmental organizations really has an effect?

MAVROMMATIS: We find the information very useful indeed and by now, we know what evidence they have in support of certain allegations and we can use our own discretion as far as the extent to which we can refer to it is concerned.

LITTLEJOHNS: Ambassador Mavrommatis, that's all the time we have. Thank you for joining us on this edition of **WORLD CHRONICLE**.

Our guest has been Ambassador Andreas Mavrommatis, a senior member of the United Nations Human Rights Committee.

He was interviewed here at United Nations Headquarters in New York by: Ian Steele of the Press Foundation of Asia; Linda Fasulo of National Public Radio and; Vahe Ogali of Ad-Dustour of Jordan.

I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **WORLD**

CHRONICLE.

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